

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA
Plaintiff,

v.

Case No. 06-CR-209

KING SMITH

Defendant.

ORDER

Defendant King Smith has filed a motion to correct the judgment pursuant to Fed. R. Crim. P. 36. Rule 36 permits the district court to correct clerical errors in judgments or orders at any time. Defendant asks me to correct the judgment to reflect the fact that he received credit for time served while detained in this case.

As I previously advised defendant by letter (R. 41), I awarded no sentence credit in this case. Nor, under 18 U.S.C. § 3585(b), are sentencing judges empowered to determine sentence credit; the Bureau of Prisons does that. Defendant has demonstrated no clerical error in his judgment.

THEREFORE, IT IS ORDERED that defendant's motion to correct the judgment (R. 47) is **DENIED**.

Dated at Milwaukee, Wisconsin, this 16th day of February, 2010.

/s Lynn Adelman

LYNN ADELMAN
District Judge